

Message Text

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ACTION L-02

INFO OCT-01 AF-10 ISO-00 RSC-01 /014 W

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R 061615Z DEC 74 CTG 0479W
FM AMEMBASSY CAPE TOWN
TO SECSTATE WASHDC 4227
INFO AMCONSUL DURBAN
AMCONSUL JOHANNESBURG
AMEMBASSY PRETORIA

UNCLAS CAPE TOWN 0857

E.O. 11652: N/A

TAGS: PINT, SF

SUBJECT: SAG TO APPEAL ALEXANDER CASE RULING

REF: A) CAPE TOWN 0790; B) STATE 266284

1. ATTORNEY FOR DR. NEVILLE ALEXANDER TOLD EMBOFF DECEMBER 6 THE GOVERNMENT HAS FILED APPLICATION WITH CAPE SUPREME COURT TO APPEAL LATTER'S NOVEMBER 14 RULING, WHICH ORDERED MINJUSTICE TO SHOW COURT DOCUMENTS OR PRESENT AFFIDAVIT RELATING TO DOCUMENTS USED AS EVIDENCE IN GOVERNMENT DETERMINATION TO BAN DR. ALEXANDER.

2. ACCORDING TO LAWYER (RICHMAN), GOVERNMENT WILL BASE APPEAL ON ITS ARGUMENT THAT MINJUSTICE IS, BY LAW, SOLE ARBITER OF DETERMINING WHAT DOCUMENTS RELATING TO A BANNING MAY BE MADE PUBLIC OR SHOWN IN COURT. GOVERNMENT WILL ALSO ARGUE THAT, GIVEN MINJUSTICE'S EXCLUSIVE AUTHORITY OVER ISSUE, ORDER TO PRESENT AFFIDAVIT "FUTILE ACADEMIC EXERCISE" IN WHICH IT DOES NOT FEEL LEGALLY COMPELLED TO PARTICIPATE.

3. RICHMAN STATED THAT HE EXPECTS PERMISSION TO APPEAL

WILL BE GRANTED AND THAT HIS EFFORTS WILL NOW BE FOCUSED ON ENCOURAGING BLOEMFONTEIN NATIONAL SUPREME COURT TO HEAR CASE AS SWIFTLY AS POSSIBLE.

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: PARAMILITARY FORCES, COMMUNISM, SUPREME COURT, POLICIES, POLITICAL PRISONERS, POLITICAL TRIALS
Control Number: n/a
Copy: SINGLE
Draft Date: 06 DEC 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974CAPET00857
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D740357-0991
From: CAPE TOWN
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19741255/aaaabvhi.tel
Line Count: 60
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION L
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: A) CAPE TOWN 0790; B) STATE 266284
Review Action: RELEASED, APPROVED
Review Authority: MorefiRH
Review Comment: n/a
Review Content Flags:
Review Date: 02 OCT 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <02 OCT 2002 by ReddocGW>; APPROVED <06 FEB 2003 by MorefiRH>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: SAG TO APPEAL ALEXANDER CASE RULING
TAGS: PINT, SF, (ALEXANDER, NEVILLE)
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005